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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 UNITED STATES OF AMERICA,) No. CR17-5385BHS
7 Plaintiff,)
8 v.) ORDER
9 BARRY SCOTT BLAND,)
10 Defendant.)

11 This matter comes before the Court on the Unopposed Defense Motion to
12 Continue Trial Date and Pretrial Motions Due Date. The Court has considered the
13 motion and the Defendant's speedy trial waiver and makes the following findings of
14 fact and conclusions of law:

15 1. Discovery is incomplete and the defense needs additional time to conduct an
16 investigation or explore potential pretrial motion issues. Additionally, the Defendant is
17 receiving on-going medical treatment for a broken foot and is expected to undergo
18 surgery in November, 2017.

19 2. Taking into account the exercise of due diligence, a failure to grant a
20 continuance in this case would deny counsel for the defendant the reasonable time
21 necessary for effective preparation due to counsel's need for more time to review the
22 evidence, consider possible defenses, and gather evidence material to the defense, as set
23 forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and

24 3. A failure to grant such a continuance in this proceeding would likely result in
25 a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and
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1 4. The additional time requested is a reasonable period of delay, as the
2 defendant has requested more time to prepare for trial, to investigate the matter, to
3 gather evidence material to the defense, and to consider possible defenses; and

4 5. The case is sufficiently complex that it is unreasonable to expect adequate
5 preparation for pretrial proceedings or the trial itself within the current trial schedule, as
6 set forth in 18 U.S.C. § 3161(h)(7)(B)(ii); and

7 6. The ends of justice will best be served by a continuance, and the ends of
8 justice outweigh the best interests of the public and the defendant in any speedier trial,
9 as set forth in 18 U.S.C. § 3161(h)(7)(A); and

10 7. The additional time requested between the current trial date of November 7,
11 2017, and the new trial date is necessary to provide counsel for the defendant the
12 reasonable time necessary to prepare for trial, all of the facts set forth above; and

13 8. That the period of delay from the date of this motion to the new trial date is
14 excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

15 IT IS THEREFORE ORDERED that the trial date in this matter shall be
16 continued to March 6, 2018. Pretrial motions shall be filed no later than January 18,
17 2018 and Pretrial Conference is set for February 26, 2018 at 2:30 p.m.

18 DONE this 10th day of October, 2017.

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22 BENJAMIN H. SETTLE
23 United States District Judge
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